

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

MARTIN JOSEPH,

Plaintiff,

vs.

STATE OF NEVADA, ex rel NDOC, *et al.*,
Defendants.

Case No.: 3:21-CV-00289-RCJ-CSD

ORDER ADOPTING AND ACCEPTING
REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE
(ECF NO. 59)

Before the Court is the Report and Recommendation of United States Magistrate Judge (ECF No. 59¹) entered on May 12, 2023, recommending that the Court dismiss Plaintiff's motion for summary judgment (ECF No. 41) without prejudice. Plaintiff may refile his motion *after* the discovery completion deadline but *before* the expiration of the dispositive motion deadline.

Plaintiff filed his objections to Magistrate Judge's Report and Recommendation (ECF No. 60) on May 31, 2023, Defendants filed a response to Plaintiff's objections (ECF No. 62) on May 31, 2023.

This action was referred to Magistrate Judge Denny under 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR IB 1-4.

The Court has conducted its *de novo* review in this case, has fully considered the pleadings and memoranda of the parties including the objections to the Report and

¹ Refers to Court's docket number.

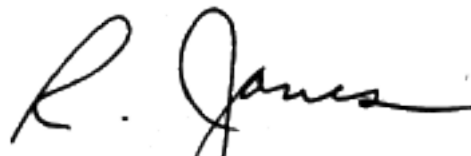
1 Recommendation and other relevant matters of record pursuant to 28 U.S.C. §
2 636(b)(1)(C) and the Local Rules of Practice, LR IB 3-2(b).

3 **IT IS HEREBY ORDERED** that United States Magistrate Judge Denny's Report
4 and Recommendation (ECF No. 59) shall be **ADOPTED and ACCEPTED**.

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6 **IT IS FURTHER ORDERED** that Plaintiff's motion for summary judgment (ECF
7 No. 41) is **DENIED WITHOUT PREJUDICE**. Plaintiff may refile his motion *after* the
8 discovery completion deadline but *before* the expiration of the dispositive motion
9 deadline.
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11 **IT IS SO ORDERED.**

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13 DATED this 8TH day of June 2023.
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18 ROBERT C. JONES
19 Senior United States District Judge
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